

CLAIM REJECTIONS

Examiner has rejected original claims 1, 3 and 4 under section 102 as being anticipated by Riley et al (054). Examiner has explained that Riley discloses a slipcover 30 for an upholstered sofa comprising a plurality of inter-connecting resilient textile panels forming a hollow shell with a continuous-ripple edge, and an elastic band overlying the peripheral edge to retain the shell in taut condition. Applicant considers this rejection proper.

Relative to claim 3, examiner has stated that Riley discloses a unitary cover comprising a resilient-textile fabric having a peripheral edge, elastic means for contracting the edge to maintain the cover on the sofa. The cover includes the plurality of interconnected panels overlying the upper, front and rear surfaces of a rectangular cushion-forming part of the sofa, and that the panels include a rear panel having first and second parts in a separate plane as disclosed at a mutual angle to provide a degree of excess material overlying the rear surface of the cushion whereby when the cushion is sat upon, full-release standing stress exerted on the panels of the cover will be accommodated by resiliently expanding, to resiliently contract when the sofa is vacated, making a reference to column 4, line 41 to column 5, line 4.

This reference has been carefully considered. The reference to a "L" shape refers to the surface of the cushion of the sofa and a back of the sofa, rather than that portion of the cover, which forms a rectangularly-shaped recess to accommodate the cushion. A consideration of the drawing of Riley indicates that the structure coring responding to applicant's portions 34 and 35 are not present in her construction. She does mention the problem which occurs when the cushion is sat upon, but her solution appears to

*elimination*  
be directed toward the ~~elimination~~ of wrinkling by the *process* of twisting excess material about a triangularly-shaped plain ~~or~~ wedge, as well as the provision of inner-contracting resilient bands best understood from a consideration of her figure 11. Her wedge-shaped numbers 40 and 41 are not tubes, but applicant acknowledges that the resilient numbers 72-74 appear to attempt to provide a function similar to that of applicant's resilient tubes. It is noted that Riley's front panel 82 appears to be free of stress for the reason that it is integral with her upper panel, and her rear panel 48 appears to be part of a continuous member which extends up the back portion of the sofa. Thus, when the chair is sat upon, the same type of forward stress does not appear to occur.

Relative to original claim 4, examiner stated that the excess material formed by separate parts may be tucked beneath a lower edge of the back part of the sofa, and a resilient-elongated tube 40 is positioned over the excess material to distribute stress over the width of the cover making reference to column 4, lines 52-62.

*the cited reference*  
Applicant's reading of ~~selected portion~~ does not appear to support examiner's position. As discussed above, there are not separate back, front, and rear panels, but rather an elongated length of material apparently starts at the floor level of the front of the furniture, and extends over the top of the cushion, into a recess behind the cushion, and then up over the front surface of the furniture. Some excess material is held by the wedge-shaped members discussed above, but if this member performs its function, it does not allow any surplus material to relieve tension on that portion which covers the upper surface of the cushion.

Claim 1 is also rejected by examiner as anticipated by Barattini et al (886). This rejection is now considered moot. Also moot is examiner's rejection under section 103 of claim 2 on Riley et al in view of Chambers.

Applicant is concerned that examiner fully understands the structure and function which constitutes his invention. Applicant provides a cover, which includes an integral recess as part of the larger cover for enclosing one or more cushions. This aspect is suggested by White et al (831) who provides a mushroom-shaped recess as part of a larger couch, which encloses the entire article of furniture. However, White apparently does not recognize the specific problem, and resolves what <sup>he</sup> considers to be the problem by the provision of an additional elastic member 42A (Figure 5) to contract the pouch, which engages the cushion.

To restate applicant's invention, applicant provides a recess, which more closely conforms to the cushion being enclosed to provide a better appearance by covering the cushions separately. He recognizes that the bulk of the sitting stress is applied to the upper panel which covers the cushion, and relieves the stress during sitting by providing additional material in the rear panel which is not seen by a viewer.

By making the rear panel in two parts disposed at a mutual angle, which angle will flatten as more material is provided to relieve this stress. This function will occur irrespective of the degree of elasticity of the textile material from which the cover is formed, although, obviously, it will function better if the material has a degree of resiliency. When the user arises, the stress is relieved, and the back panel will thereby return to its original shape smoothing that part of the cover, which overlies the top panel of the cushion. When the furniture is vacant, the back panel is concealed substantially from view. When the furniture is

occupied, the presence of the user obscures the view of the altered condition of the back panel.

The presence of the resilient tube enables the adjustment for using a single cover to accommodate reasonable variations in dimensions of the furniture by keeping excess material out of the way. It also confines the expansion to the two parts of the back panel covering the cushion during occupancy of the furniture.

In light of the above amendment and remarks, reconsideration of examiner's position is requested, and further and favorable action is earnestly solicited.

Respectfully,

  
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Charles E. Temko  
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Dated 8/10/04 By: Charles E. Temko



Docket No. 28-437-A

71. (New) A unitary cover for an upholstered sofa and similar articles comprising: a hollow shell of resilient fabric having a peripheral edge, elastic means for contracting said edge to maintain said cover upon said sofa, said sofa including a plurality of interconnected panels overlying the upper, front, side and rear surfaces of a rectangular cushion forming part of said sofa, said panels including a rear panel having first and second parts disposed in separate planes at a mutual angle to provide a degree of excess material to relieve forwardly directed stress exerted upon said upper panel when said cushion is sat upon by a user, said first and second parts contracting to smooth the surface of said upper panel when said sofa is vacated.



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8. (New) A cover in accordance with claim 7, wherein excess material formed by said first and second parts may be disposed beneath a lower edge of said back panel of said sofa, and a resilient-elongated tube positioned over said excess material to distribute stress over the width of said cover.



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Status of Claims

Claims 1-6 cancelled

Claims 7 and 8 new